

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

**KLAMATH-SISKIYOU WILDLANDS
CENTER, et al.,**

Plaintiffs,

No. 1:23-cv-00519-CL
No. 1:23-cv-01163-CL

v.

ORDER

**UNITED STATES BUREAU OF
LAND MANAGMENT,**

Defendant,

**AMERICAN FOREST RESOURCE
COUNCIL, et al.**

Intervenor Defendants

AIKEN, District Judge.

This case comes before the Court on a Findings and Recommendation (“F&R”) filed by Magistrate Judge Mark Clarke. ECF No. 53. Judge Clarke recommends that the Motion for Summary Judgment filed by Plaintiffs Klamath-Siskiyou Wildlands Center, Cascadia Wildlands, Oregon Wild, and Soda Mountain Wilderness Council (collectively “KS Plaintiffs”), ECF No. 21, be GRANTED in KS Plaintiffs’ favor as to the KS Plaintiffs’ FLPMA and NEPA claims. Judge Clarke recommends that the Motion for Summary Judgment filed by Plaintiff Applegate Siskiyou Alliance (“AS Plaintiff”), ECF No. 30, should be DENIED as to AS Plaintiff’s FLPMA claim and GRANTED as to AS Plaintiff’s NEPA claim. Judge Clark recommends that the

Motions for Summary Judgment filed by Defendant United States Bureau of Land Management (“BLM”), ECF No. 37, and by Intervenor Defendants American Forest Resource Council and Association of O&C Counties, ECF No. 35, be DENIED except as to AS Plaintiff’s FLPMA claim, which should be GRANTED in favor of BLM and the Intervenor Defendants. Judge Clarke recommends that the motion to strike the Cady Declaration, ECF No. 43, be DENIED as moot. Judge Clarke also recommends that the requested relief be held in abeyance and that the parties be directed to confer and submit their proposed remedy briefs to the Court within thirty days of any order adopting the F&R.

Under the Federal Magistrates Act, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations, “the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Although no review is required in the absence of objections, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Id.* at 154. The

Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court should review the recommendation for “clear error on the face of the record.”

In this case, Objections have been filed by the Intervenor Defendants, ECF No. 59, by BLM, ECF No. 60, and by AS Plaintiff, ECF No. 61. Responses to Objections have been filed by Intervenor Defendants, ECF No. 62, by KS Plaintiffs, ECF No. 63, by BLM, ECF No. 64, and by AS Plaintiff, ECF No. 65. The Court has considered the matter *de novo* and finds no error. The Court therefore ADOPTS the F&R, ECF No. 53.

KS Plaintiffs’ Motion for Summary Judgment, ECF No. 21, is GRANTED as to KS Plaintiffs’ FLPMA and NEPA claims. AS Plaintiff’s Motion for Summary Judgment, ECF No. 30, is DENIED as to AS Plaintiff’s FLPMA claim and GRANTED as to AS Plaintiff’s NEPA claim. BLM’s Motion for Summary Judgment, ECF No. 37, is GRANTED as to AS Plaintiff’s FLPMA claim and DENIED as to all other claims. Intervenor Defendants’ Motion for Summary Judgment, ECF No. 35, is GRANTED as to AS Plaintiff’s FLPMA claim and DENIED as to all other claims. As set forth in the F&R, the parties are directed to confer and submit briefing on proposed remedies to Judge Clarke within thirty (30) days of the date of this Order.

It is so ORDERED and DATED this 31st day of March 2025.

/s/Ann Aiken
ANN AIKEN
United States District Judge